

ORDINANCE NO. 774-10-20

AN ORDINANCE CREATING RESIDENTIAL RENTAL PERMITS AND INSPECTIONS, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Village of Roaming Shores, County of Ashtabula and State of Ohio:

SECTION 1.

1375.02 DEFINITIONS.

(a) RENTAL DWELLING UNIT- Single unit rented to another and providing complete independent living facilities for one or more persons, including providing for the living, sleeping, eating, cooking, and sanitation of those occupying the unit whether combined with other rental dwelling units in one building or in a separate building. "Rental Dwelling Unit" shall include any written, unwritten, recorded or unrecorded land contract or any instrument purporting to be a land contract. A rental dwelling unit shall not include an owner-occupied dwelling where a portion of the dwelling is rented out to another.

1375.03 PERMIT REQUIRED.

- a) No person shall lease or otherwise allow another to lease or occupy a rental dwelling unit or a portion of a dwelling, other than for de minimus compensation, without first obtaining a residential rental permit from the Village.
- b) The residential rental permit shall expire thirty-six (36) months from the date of issuance at a cost of \$150.00.
- c) Nothing in this Chapter shall be deemed to deprive an owner of a lawful use of their property, as provided for by the Village's Zoning Code, or as may be grandfathered by law. However, such lawful use must be performed in a manner that complies with the requirements of this Chapter.

1375.04 INFORMATION REQUIRED FOR PERMIT.

To obtain a residential rental permit required by Section 1375.03, Lessor(s) or their agent must provide the following information:

- a) The street address of:
 - i. the dwelling; or
 - ii. The specific address of the dwelling units or part of the dwelling if the entire dwelling is not leased or let.
- b) The name, address and phone number and email address of the owner or agent in charge and where such person may be reached during normal business hours.
- c) Documentation evidencing current active water and sewer service.

1375.05 INSPECTION PRIOR TO ISSUANCE OF THE RESIDENTIAL RENTAL PERMIT.

- a) Upon receipt of a residential rental permit application, the Village shall schedule a time to inspect the premises for the purpose of determining compliance or noncompliance with the provisions of the Village Residential Rental Inspection Permit Inspection Sheet.
- b) Such inspections, by the Village, shall be made between the hours of 9:00 a.m. and 4:00 p.m. or other agreed upon time and date and the Village shall at all times cooperate with the applicant in setting up a date and time for such inspections. Where there are more than one rental dwelling units in the same building or lot, the Village shall endeavor to inspect such dwellings on the same day when reasonably practicable.
- c) The Village must present proper identification to the owner, agent or present occupant of the premises before entering.
- d)
 - (1) In order to safeguard the safety, health and welfare of the public, the Zoning Inspector, or his/her duly designated representative, is authorized to gain consensual entry to any dwelling or premises, and any parts thereof, at any reasonable time for the purpose of making inspections and performing duties under this code.
 - (2) If any owner, occupant, or other person in charge of a dwelling subject to the provisions of this code refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the dwelling or premises where inspection authorized by this code is sought, the Zoning Inspector or his/her duly designated representative, shall be permitted to seek, in a court of competent jurisdiction, a warrant for administrative inspection. Nothing in this ordinance shall be construed to state or imply that anyone refusing consensual entry is committing a criminal offense.
 - (3) Any warrant for administrative inspection shall allow for the inspection of the subject dwelling and premises, and any parts thereof, pursuant to the provisions of this code and shall be so limited in scope.
 - (4) Nothing herein shall be construed to limit the authority of the Zoning Inspector, or his/her duly designated representative, to gain access to any dwelling or premises in emergency circumstances or otherwise pursuant to law.
 - (5) The Village may waive the inspection requirement set forth in this ordinance for government or non-profit owned, operated or subsidized rental dwelling units which provide certified inspection reports meeting or exceeding the Village inspection standards set forth in this ordinance, and shall issue a no-cost permit.

1375.06 ISSUANCE OF RESIDENTIAL RENTAL PERMIT.

- a) If, upon inspection of the dwelling unit, it is determined that the same is in compliance with the Permit Inspection Checklist, attached as exhibit A, the Village shall issue a Residential Rental Permit on site to the owner and/or his/her agent for the dwelling.
- b) If, upon inspection, it is determined that the dwelling unit is in substantial compliance with this Chapter, the Village may, at its discretion, issue a qualified

time-limited Residential Rental Permit to the owner and/or his/her agent, subject to the correction of minor violations within a specified period of time.

- c) The owner, agent, lessor, or operator of any dwelling unit or premises shall have the right to appeal the denial of an occupancy permit to the Planning Commission or in the manner prescribed by law.

1375.07 REVOCATION OF PERMIT.

The Village may revoke a Residential Rental Permit under any of the following circumstances:

- a) The failure during a 48-hour period to maintain active water and sewer service.
- b) Subsequent non-compliance with the Permit Inspection Checklist, attached as exhibit A, which may cause a serious risk to the health and/or safety of the occupants or the public at large.
- c) Subsequent substantial non-compliance with health or building codes which may cause a serious risk to the health and/or safety of the occupants or the public at large.

1375.08 VIOLATIONS SURVIVE TRANSFER.

The transfer of title to, or any interest in, real property in which a violation exists shall not be grounds for dismissal of charges in any court against a previous owner of the real property for failure to comply with a notice for correction of violations.

1375.09 FEES.

Fees for Chapter 1375 Residential Rental Inspections are located within Chapter 110 of the Village of Conneaut's Codified Ordinances. A permit fee shall be assessed for a dwelling's thirty-six (36) month permit on a per dwelling basis. For properties that have more than one dwelling, the Village shall endeavor to invoice the Lessor(s) or agent for all dwellings located on the subject property upon request by the Lessor(s) or agent.

1375.10 SAVING CLAUSE.

If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Chapter. Council hereby declares that it would have passed this chapter, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentences, clauses, and phrases be declared unconstitutional.

1375.11 APPEALS.

Any owner who is denied a residential rental permit may, within ten (10) calendar days of receipt of such notice appeal the findings of the Inspector to the Village Planning Commission. All such appeals shall stay any enforcement action and toll any penalty described in Section 1375.99 pending a final decision by the Village Planning Commission.

1375.99 PENALTY.

- a) Any individual, firm, association or corporation who violates any of the provisions of Chapter 1375 of the Village Codified Ordinances may be fined up to \$50 per day for each day of the continued violation. If the offender has previously violated

Chapter 1375 on more than three (3) separate occasions, a violation of this Chapter shall be a misdemeanor in the fourth degree.

- b) The application of the penalty provided in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited condition, or the application of any other equitable remedy.

VILLAGE OF ROAMING SHORES RESIDENTIAL RENTAL CHECKLIST

Exterior of Property	
<input type="checkbox"/>	Garbage service is provided
<input type="checkbox"/>	No record of an un-remediated meth lab
Exterior of Structure	
<input type="checkbox"/>	Roof: <ul style="list-style-type: none"> • There are no apparent holes in the roof; • There are no apparent broken or significantly decayed structural members; and • There is no clear evidence of leaking.
<input type="checkbox"/>	Chimney: <ul style="list-style-type: none"> • There are no apparent loose bricks or masonry; and • The chimney is not pulling away from the structure, unstable, or otherwise at risk of collapse.
<input type="checkbox"/>	Foundation: <ul style="list-style-type: none"> • There is no evident deflection, crumbling or leaning; and • Openings in the foundation are not larger than ¼”.
<input type="checkbox"/>	Premises identification: <ul style="list-style-type: none"> • Address numbers are legible and visible from the street or road fronting the property.
<input type="checkbox"/>	Building security: <ul style="list-style-type: none"> • Locks, latches, windows and doors are in good working order.
<input type="checkbox"/>	Roof drains, gutters, and downspouts: <ul style="list-style-type: none"> • Are maintained and free of obstructions.
Interior Porches/Decks Structure	
<input type="checkbox"/>	Structural components of walls, floors, and ceilings: <ul style="list-style-type: none"> • There are no wall, floor, or ceiling finishes that are damaged to the point of exposing underlying framing members; • There is no apparent evidence that walls, floors, or ceilings are soft, spongy, or wet to the touch; and • There is no deflection or inflection observed of any interior, load bearing wall.
<input type="checkbox"/>	Interior stairs and landings: <ul style="list-style-type: none"> • Handrails and guardrails for stairs of four or more risers are present and stable and not missing spindles or railings; and • Interior stairs are not missing risers or treads and are stable and not rotted.

		Insect and/or rodent infestation: <ul style="list-style-type: none"> • No obvious, visible evidence of a present insect or rodent infestation.
Light Ventilation and Heating		
		Windows: <ul style="list-style-type: none"> • There are no missing pieces or cracks that permit weather or water to enter the interior.
		Bathrooms: <ul style="list-style-type: none"> • There is running hot and cold water.
		Permanent electric, natural gas, propane or heat oil heating unit for the provision of heat is present and operable.
		There are no other defects in the dwelling unit, heating, ventilation, structural, electrical or plumbing components which do not comply with the Ohio Building Code and are likely to present a serious risk to the inhabitants or others.
		Clothes dryer exhaust: If dryer is present, it must be vented to daylight.
Plumbing Facilities and Fixtures		
		Bathroom requirement: Each dwelling unit must contain at least one bathroom with a working sink, toilet, and bathtub or shower.
		Each bathroom must have a door enclosing the bathroom.
		Bathroom fixtures: <ul style="list-style-type: none"> • No visible leaks; and • Fixtures are operable.
Electrical		
		Electrical system: <ul style="list-style-type: none"> • No exposed, unprotected wiring or electrical contacts are apparent; • Light fixtures are not damaged or missing; and • Receptacles are not inoperable.
Fire Protection		
		Smoke detectors (Minimum of one per floor)
		Fire extinguisher (Minimum of one per residence)
		Carbon monoxide detector (Minimum of one per residence)

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is not declared to be an emergency measure in the interests of public peace, health and safety and, shall take effect thirty (30) days after passage.

Passed this _____ day of _____, 2020.

Mayor Jennie D'Amicone

ATTEST:

Leeann Moses, Clerk/Treasurer

Kyle B. Smith, Solicitor